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10 Attorneys for Defendant  
11 Afni, Inc.

12 UNITED STATES DISTRICT COURT  
13 NORTHERN DISTRICT OF CALIFORNIA

14 DERWIN GRANT,

15 Plaintiff,

16 vs.

17 AFNI, INC.,

18 Defendant.

) CASE NO.: C 07 2850 CW

) **AMENDED NOTICE OF MOTION**  
) **AND MOTION OF FOR**  
) **JUDGMENT ON THE**  
) **PLEADINGS BY DEFENDANT**  
) **AFNI, INC.**

) Date: August 2, 2007  
) Time: 2:00 p.m.  
) Ctrm: 2, 4<sup>th</sup> Floor

) The Honorable Claudia Wilken

1 TO PLAINTIFF IN PRO PER DERWIN GRANT:

2 PLEASE TAKE NOTICE that on August 2, 2007 at 2:00 p.m., or as soon  
3 thereafter as the matter may be heard in Courtroom 2 of the above entitled court,  
4 located at 1301 Clay Street, Oakland, California 94612, the Honorable Claudia  
5 Wilken presiding, defendant Afni, Inc. ("Defendant") will and hereby does move  
6 this Court for an Order, pursuant to Rule 12(c) of the Federal Rules of Civil  
7 Procedure, granting judgment on the pleadings in favor of Defendant.

8 The motion is made on the grounds that the Complaint fails to state facts  
9 sufficient to constitute a cause of action against Defendant. The skeletal and  
10 conclusory allegations in the complaint, even when assumed true, do not state a  
11 claim upon which relief may be granted under the Fair Credit Reporting Act ("the  
12 FCRA"), 15 U.S.C. § 1681, *et seq.*, because consumers such as Plaintiff cannot  
13 pursue claims against furnishers of data such as Defendant based upon the  
14 furnisher's alleged reporting of incomplete or inaccurate information under section  
15 1681s-2(a) of the FCRA, and because Plaintiff has not alleged and cannot allege  
16 that he disputed the debt at issue in this action pursuant to his responsibilities  
17 under section 1692g of the FDCPA and therefore has not stated a claim against  
18 Defendant for failure to validate the debt.

19 The motion is based upon this Notice of Motion and Motion for Judgment  
20 on the Pleadings, the accompanying Memorandum of Points and Authorities, all  
21 pleadings and papers on file herein, and such oral argument as is presented.

22 DATED: June 11, 2007 SIMMONDS & NARITA, LLP  
23 TOMIO B. NARITA  
24 JEFFREY A. TOPOR

25 By: /Tomio B. Narita/  
26 Tomio B. Narita  
27 Attorneys for defendant  
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**PROOF OF SERVICE**

I, the undersigned, declare:

I am employed in the City and County of San Francisco, California. I am over the age of eighteen years and not a party to this action. My business address is 44 Montgomery Street, Suite 3010, San Francisco, California 94104-4816.

I am readily familiar with the business practices of my employer, Simmonds & Narita LLP, for the collection and processing of correspondence by mailing with the United States Postal Service and that said correspondence is deposited with the United States Postal Service that same day in the ordinary course of business.

On this date, I served a copy of the following document:

**1) AMENDED NOTICE OF MOTION AND MOTION OF FOR JUDGMENT ON THE PLEADINGS BY DEFENDANT AFNI, INC.**

by causing such document to be placed in a sealed envelope for collection and delivery by the United States Postal Service to the addressee indicated below:

**VIA U.S. MAIL**

Derwin Grant  
245 Henry Street  
San Francisco, CA 94114  
Plaintiff in Pro Per

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at San Francisco, California on this 11th day of June, 2007.



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Stephanie Schmitt